

**ENTERED**

March 18, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff-Respondent,	§	
	§	
V.	§	CIVIL ACTION NO. H-17-1613
	§	CRIMINAL ACTION NO. H-16-0182
ROBERT ROMEO CRISTEA,	§	
	§	
Defendant-Movant.	§	

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending is Movant/Defendant Robert Romeo Cristea's § 2255 Motion to Vacate, set Aside or Correct Sentence (Document No. 131). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that an evidentiary hearing be held on Cristea's claim that his counsel failed to advise him about his appeal rights and failed to file an appeal, but that his other claims be denied and dismissed with prejudice on the merits. No objections have been filed to the Memorandum and Recommendation.

The Court, after having conducted a *de novo* review of the claims and the evidence in the record, is of the opinion that the findings and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court. Accordingly, it is

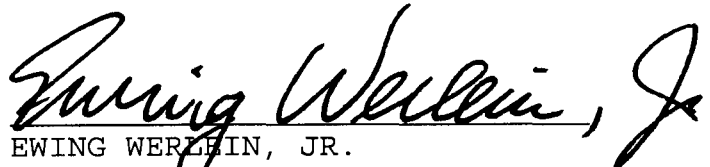
ORDERED, for the reasons set forth in the Memorandum and Recommendation of the Magistrate Judge signed on December 4, 2018, and entered on December 5, that § 2255 Movant Robert Romeo Cristea shall be afforded an evidentiary hearing on his claim that his

counsel failed to advise him about his appeal rights and failed to file an appeal. Cristea's other claims, for the reasons set forth in the Memorandum and Recommendation, are DISMISSED. It is further

ORDERED that the case is REFERRED to the Magistrate Judge to appoint counsel for Movant, schedule and conduct an evidentiary hearing, and make recommendations as to the merits of the claim(s) set forth above.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 18<sup>th</sup> day of March, 2019.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE